

Practitioner's Docket No. U 013396-8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoel ARIELI, et al

Application No.: 09/829,435

Group No.: 2877

Filed: April 9, 2001

Examiner:

For: SPATIAL AND SPECTRAL WAVEFRONT ANALYSIS AND MEASUREMENT

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS
-- NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) or Notice of Informal Application mailed June 5, 2001.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card and/or the attorney's docket number, if any.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

If using Express Mail, the Express Mail label number is mandatory.
Express Mail label number is optional.

I hereby certify that, on the date shown below, this correspondence is being

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

- ☒ with sufficient postage as first class mail

- ☐ as "Express Mail Post Office" Address
Mailing Label No. _____ mandatory

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office

Date: August 1, 2001

Signature

JULIAN H. COHEN

Attorney for the Applicant

*WARNING: Correspondence filed by Express Mail must be accompanied by an Express Mail label. The label must be affixed to the envelope, and the label number must be entered in the Mailing Label field of the PTO-1533. If the correspondence is not filed by Express Mail, the label number must be entered in the Mailing Label field of the PTO-1533. If the correspondence is not filed by Express Mail, the label number must be entered in the Mailing Label field of the PTO-1533. If the correspondence is not filed by Express Mail, the label number must be entered in the Mailing Label field of the PTO-1533.

☒ A copy of the Notice is enclosed.

NOTE: The PTO requires that a copy of Form PTO 1538 be returned with the response to the Notice to the mail containing the application.

DECLARATION OR OATH

II. (a) ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correctors or inventors are not named in the declaration or oath, the applicant must file a declaration or oath under Section 1.63. The later submission of an executed oath or declaration under Section 1.63 during the pendency of the application will act to correct the earlier identification of inventors. 37 C.F.R. Section 1.48(d)(1).

OR

(b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(b) below.

NOTE: The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63.

(A) application number (consisting of the series code and the serial number, e.g., 08 123 456;

(B) serial number and filing date;

(C) invention's docket number which was on the specification as filed;

(D) data which was on the specification as filed and referenced to an attached specification which is identical to the data or information at the time of filing, and must be submitted with the application.

(E) data which was on the specification as filed and a combination of information which is sufficient to identify an invention for which it was intended in either the application number (consisting of the series code and the serial number, e.g., 08 123 456) or serial number and filing date. Inventors state in this declaration that it will be presumed that the application filed in the PTO is the application with the data of (E) executed in accordance with the oath or declaration.

M.P.I.P. Section 601.01(a) "Third."

NOTE: For the minimum found acceptable in the application is the filing date, i.e., date of express mail, and the express mail number, i.e., the serial number is not yet on file. But in the practice where the express mail act is as a Saturday, Sunday or holiday within the 12 months of filing, 37 C.F.R. Section 1.125.

(complete as applicable)

Attached is a

(c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

(e) ☐ Statement that substitute specification contains no new matter.

(f) ☐ Preliminary Amendment.

(g) ☐ Transmittal of Formal Drawing(s) Prior to Notice of Allowance.

(h) ☐ Submission of "Sequence Listing," computer-readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

AMENDMENT TO CLAIMS

III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, completion of US 156 is required.

NOTE: The English oath or declaration in the form provided is approved by the PTO and does not need to be translated. 37 C.F.R. Section 1.67(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. Section 1.52(d).

SMALL ENTITY STATUS

V. ☒ A statement that this filing is by a small entity

(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the stated fees when required will cause the application to be considered withdrawn. 37 C.F.R. Section 1.53.

NOTE: The amount of fees is indicated in the statement of filing status in the application. 37 C.F.R. Section 1.58(a).

1. Filing fee

☒ original patent application

filed before 29 December 1999

(37 C.F.R. Section 1.16(a))--\$760.00; small entity--\$380.00

\$

filed after 29 December 1999

(37 C.F.R. Section 1.16(a))--\$770.00; small entity--\$385.00

\$

385.00

(design application

(37 C.F.R. Section 1.16(f))--\$320; small entity--\$160

\$

2. Fees for claims

- ☒ each independent claim in excess of 3
(37 C.F.R. Section 1.16(b)--\$80; small entity--\$40) \$ 840.00
- ☒ each claim in excess of 20
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ 2052.00
- ☐ multiple dependent claim(s)
(37 C.F.R. Section 1.16(d)--\$270; small entity--\$135) \$ _____

3. Surcharge fees

- ☒ late payment of filing fee and or late filing of original declaration or oath
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventors was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practices under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed claim or declaration and or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. Sections 1.17(i) and 1.47--\$130) \$ _____

5. ☐ Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$ _____

6. ☐ Fee for processing and retention of application
(37 C.F.R. Sections 1.21(d) and 1.53(d)--\$130) \$ _____

NOTE: 37 C.F.R. Section 1.21(d) establishes a fee for processing and retaining an application which is drawn to a prior art reference in the application. 37 C.F.R. Section 1.53(d) requires the payment of \$130 for each "claim" or "substantive matter" in the application. 37 C.F.R. Section 1.53(d) requires that in order to obtain the benefit of a prior art reference, the applicant must submit a copy of the prior art reference to the Office. 37 C.F.R. Section 1.21(d) with 37 C.F.R. Section 1.53(d) requires \$130 per claim or substantive matter.

7. ☐ Assignment (See "ASSIGNMENT COVER SHEET") \$ _____

Total completion fees \$ 3312.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fees) \$ 3312.00
Extension fee (if any) \$ _____

Total Fee Due \$ 3312.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of \$ 3312.00.

☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear to whom a payment has been made. 37 C.F.R. Section 1.22.

Please charge Account No. 12-0425 for any fees which may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts. Amounts over twenty-five dollars may be returned if so requested, or credited to a deposit account." 37 C.F.R. Section 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 12-0425:

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation, must be paid on these claims canceled by amendment prior to the expiration of the time period set in response to the PTO in any notice of fee deficiency. 37 C.F.R. Section 1.16(d) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a)).

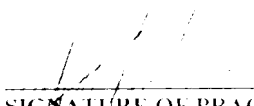
☒ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat an concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission as an application for a petition for extension of time for the appropriate length of time. An authorization to charge all required fees (as under Section 1.17) or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17 as well also be treated as an constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.18(c)(5).

[X] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been indicated by the payment of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b).

NOTE: 37 C.F.R. Section 1.28(b) requires: "Notification of a change in classification of an invention to small entity status must be filed in the application prior to paying, or at the time of paying, the issue fee." For purposes of 37 C.F.R. Section 1.28(b), a notification of change of status must be made even if the fee is paid less than a small entity and the no notification is required if the change is to another small entity.


SIGNATURE OF PRACTITIONER

JULIAN H. COHEN

(Type or print name of practitioner)

Reg. No.: 20,302

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New York, N.Y. 10023



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UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	APPLICATION FILING NUMBER
09/829,435	04/09/2001	Yoel Arieli	U 013396-8

CONFIRMATION NO. 8767

FORMALITIES LETTER



OC000000006150239

Ladas & Parry
26 West 61st Street
New York, NY 10023

Date Mailed: 06/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2892.
 - \$2052 for 228 total claims over 20.
 - \$840 for 21 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3312.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE